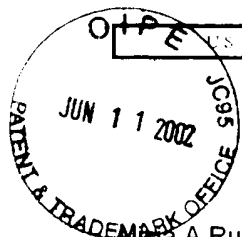




UNITED STATES PATENT AND TRADEMARK OFFICE

United States



| | | |
|-----------------------------|-----------------------|------------------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/030,829 | Christophe Beclin | 34920-PCT-USA 072667.0179 |

Alicia A Russo
Baker Botts
30 Rockefeller Plaza
New York, NY 10112-4498

| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/FR00/02052 | |
| LA FILING DATE | PRIORITY DATE |
| 07/13/2000 | 07/16/1999 |

CONFIRMATION NO. 2360

371 FORMALITIES LETTER



OC000000007789361

Date Mailed: 04/05/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Search Report
- Request for Immediate Examination

RECEIVED

TECH. CENTER 1004/2500

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the

requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
- For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
-
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY DOCKET NO. |
|-----------------------------|-------------------------------|------------------------------|
| 10/030,829 | PCT/FR00/02052 | 34920-PCT-USA 072667.0179 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Beclin, Christophe et al.
Serial No. : 10/030,289 Examiner : TBA
Filed : January 11, 2002 Group Art Unit : TBA
For : NOVEL SGS3 PLANT GENE AND USES THERE

RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. § 371

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

June 5, 2002
Date of Deposit

Alicia A. Russo
Attorney Name

Alicia A. Russo
Signature

46,192
PTO Registration No

June 5, 2002
Date of Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is being filed in response to the Notice to File Missing Parts issued on April 5, 2002 in the above identified application.

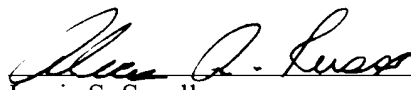
Applicants wish to point out that a Preliminary Amendment, Sequence Listing, and Declaration (collectively "Preliminary Amendment") were filed in the above identified

application on April 11, 2002. Applicants believe that this Preliminary Amendment obviates the objections raised in the outstanding Notification of Missing Requirements. Nevertheless, in an abundance of caution and for the purpose of convenience, Applicants have enclosed duplicates of the papers filed on April 11, 2002.

Applicants believe that no fees are due with this response. Any required fees may be charged to Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

Respectfully submitted,

June 5, 2002



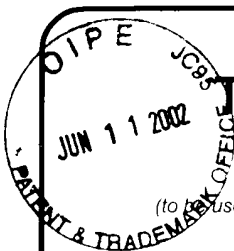

Louis S. Sorell
PTO Reg. No. 32,439

Alicia A. Russo
PTO Reg. No. 46,192

Attorneys for Applicant
BAKER BOTTS, L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500

Enclosures

BAKER BOTTS LLP

Please type a plus sign (+) inside this box → TRANSMITTAL
FORM

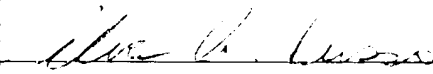
(to be used for all correspondence after initial filing)

| | | | |
|------------------------------------------|----------------------|------------------------|----------------|
| Application Number | 10/030,269 | | |
| | Filing Date | January 11, 2002 | |
| | First Named Inventor | Beclin et al. | |
| | Group Art Unit | TBA | |
| | Examiner Name | TBA | |
| Total Number of Pages in This Submission | 97 | Attorney Docket Number | A34920-PCT-USA |


ENCLOSURES (check all that apply)

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks <input checked="" type="checkbox"/> Copies of documents submitted on April 11, 2002 are enclosed herewith as indicated on the next page. | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|-------------------------|-------------------------------------------------------------------------------------|----------------------------------------------|
| Firm or Individual name | BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112 | |
| Signature |  | Att Name: Alicia A. Russo PTO Reg: 46,192 |
| Date | June 5, 2002 | |

CERTIFICATE OF MAILING

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date June 5, 2002 | | |
| Typed or printed name | Alicia A. Russo | |
| Signature |  | Date June 5, 2002 |

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100

11 JUN 2002

BAKER BOTTS LLP

Attorney Docket Number: A34920-PCT-USA

Title: NOVEL SGS3 PLANT GENE AND USES THEREOF



Use Space Below for Additional Information:

Copy of Transmittal sheets (3 pages)
Copy of Preliminary Amendment (13 pages)
Copy of English translation of application (62 pages)
Copy of Substitute Sequence Listing in paper (5 pages) and electronic (1 diskette)
Copy of Combined Declaration and Power of Attorney (4 pages)
Copy of Recordation Cover (2 pages)
Copy of Assignment (3 pages)
Copy of BB Check for \$712

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JUN 11 2002

JUN 11 2002

BAKER BOTTS LLP

11 JUN 2002

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 0

Complete if Known

Application Number 10/030,289
Filing Date January 11, 2002
First Named Inventor Beclin et al.
Examiner Name TBA
Group Art Unit TBA
Attorney Docket No. A34920-PCT-USA

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 02-4377
Deposit Account Name Baker Botts LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

| Fee (\$) | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|------------------------|----------|
| 740 | 370 | Utility filing fee | |
| 330 | 165 | Design filing fee | |
| 510 | 255 | Plant filing fee | |
| 740 | 370 | Reissue filing fee | |
| 160 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$ 0

2. EXTRA CLAIM FEES

Total Claims 20 ** = 0
Independent Claims 3 ** = 0
Multiple Dependent =

Large Entity Small Entity

| Fee (\$) | Fee (\$) | Fee Description |
|----------|----------|------------------------------------------------------------|
| 18 | 9 | Claims in excess of 20 |
| 84 | 42 | Independent claims in excess of 3 |
| 280 | 140 | Multiple dependent claim, if not paid |
| 84 | 42 | ** Reissue independent claims over original patent |
| 18 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 0

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|----------------------------------------------------------------------------|
| 130 | 65 | Surcharge - late filing fee or oath |
| 50 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 130 | 130 | Non-English specification |
| 2,520 | 2,520 | For filing a request for ex parte reexamination |
| 920* | 920* | Requesting publication of SIR prior to Examiner action |
| 1,840* | 1,840* | Requesting publication of SIR after Examiner action |
| 110 | 55 | Extension for reply within first month |
| 400 | 200 | Extension for reply within second month |
| 920 | 460 | Extension for reply within third month |
| 1,440 | 720 | Extension for reply within fourth month |
| 1,960 | 980 | Extension for reply within fifth month |
| 320 | 160 | Notice of Appeal |
| 320 | 160 | Filing a brief in support of an appeal |
| 280 | 140 | Request for oral hearing |
| 1,510 | 1,510 | Petition to institute a public use proceeding |
| 110 | 55 | Petition to revive - unavoidable |
| 1,280 | 640 | Petition to revive - unintentional |
| 1,280 | 640 | Utility issue fee (or reissue) |
| 460 | 230 | Design issue fee |
| 620 | 310 | Plant issue fee |
| 130 | 130 | Petitions to the Commissioner |
| 50 | 50 | Processing fee under 37 CFR 1.17(q) |
| 180 | 180 | Submission of Information Disclosure Stmt |
| 40 | 40 | Recording each patent assignment per property (times number of properties) |
| 740 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) |
| 740 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) |
| 740 | 370 | Request for Continued Examination (RCE) |
| 900 | 900 | Request for expedited examination of a design application |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0

SUBMITTED BY

Name (Print Type) Alicia A. Russo
Registration No. (Attorney Agent) 46,192
Telephone (212) 408-2627
Signature *Alicia A. Russo*
Date June 5, 2002

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TECHNOLOGY CENTER P8708

10/030,829
2002

In Re: Christophe Beclin et al. 10/030,829
(Applicant) (Serial No.)

In Re: Preliminary Amendment* April 11, 2002 A34920-PCT-USA
(Title of Paper) (Date) 072667.0179
(File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

Transmittal sheets (3 pages)
Preliminary Amendment (13 pages)
English translation of application (62 pages)
Substitute Sequence Listing in paper (5 pages) and electronic (1 diskette)
Combined Declaration and Power of Attorney (4 pages)
Recordation Cover (pages)
Assignment (3 pages)
BB Check for \$712

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 92

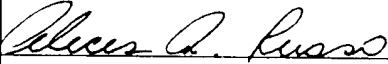
| | |
|------------------------|----------------------------|
| Application Number | 10/030,829 |
| Filing Date | January 11, 2002 |
| First Named Inventor | Christophe Beclin et al. |
| Group Art Unit | TBA |
| Examiner Name | TBA |
| Attorney Docket Number | A34920-PCT-USA 072667.0179 |

ENCLOSURES (check all that apply)

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Substitute Sequence Listing in paper (5 pages) electronic form (1 diskette), - Declaration (4 pages), and ** |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

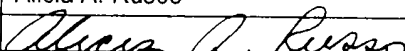
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|-------------------------|-------------------------------------------------------------------------------------|----------------------------------------------|
| Firm or Individual name | BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112 | |
| Signature |  | Att Name: Alicia A. Russo PTO Reg: 46,192 |
| Date | April 11, 2002 | |

CERTIFICATE OF MAILING

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| | | |
|-----------------------|-------------------------------------------------------------------------------------|---------------------|
| Typed or printed name | Alicia A. Russo | |
| Signature |  | Date April 11, 2002 |

Title:

NOVEL SGS3 PLANT GENE AND USES THEREOF

Use Space Below for Additional Information:

- ** - English translation of application (62 pages)
- Recordation cover (2 pages)

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 712

Complete if Known

| | |
|----------------------|----------------------------|
| Application Number | 10/030,829 |
| Filing Date | January 11, 2002 |
| First Named Inventor | Christophe Beclin et al. |
| Examiner Name | TBA |
| Group Art Unit | TBA |
| Attorney Docket No. | A34920-PCT-USA 072667.0179 |

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 02-4377
Deposit Account Name: Baker Botts LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------|--------------|------------------------|----------|
| Fee (\$) | Fee (\$) | | |
| 740 | 370 | Utility filing fee | |
| 330 | 165 | Design filing fee | |
| 510 | 255 | Plant filing fee | |
| 740 | 370 | Reissue filing fee | |
| 160 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 45 | 61 | 0 | 0 |
| 12 | 4 | 8 | 672 |
| Multiple Dependent | | | |

| Large Entity | Small Entity | Fee Description |
|--------------|--------------|------------------------------------------------------------|
| Fee (\$) | Fee (\$) | |
| 18 | 9 | Claims in excess of 20 |
| 84 | 42 | Independent claims in excess of 3 |
| 280 | 140 | Multiple dependent claim, if not paid |
| 84 | 42 | ** Reissue independent claims over original patent |
| 18 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 672

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------|--------------|----------------------------------------------------------------------------|----------|
| Fee (\$) | Fee (\$) | | |
| 130 | 65 | Surcharge - late filing fee or oath | |
| 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 130 | 130 | Non-English specification | |
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| 920* | 920* | Requesting publication of SIR prior to Examiner action | |
| 1,840* | 1,840* | Requesting publication of SIR after Examiner action | |
| 110 | 55 | Extension for reply within first month | |
| 400 | 200 | Extension for reply within second month | |
| 920 | 460 | Extension for reply within third month | |
| 1,440 | 720 | Extension for reply within fourth month | |
| 1,960 | 980 | Extension for reply within fifth month | |
| 320 | 160 | Notice of Appeal | |
| 320 | 160 | Filing a brief in support of an appeal | |
| 280 | 140 | Request for oral hearing | |
| 1,510 | 1,510 | Petition to institute a public use proceeding | |
| 110 | 55 | Petition to revive - unavoidable | |
| 1,280 | 640 | Petition to revive - unintentional | |
| 1,280 | 640 | Utility issue fee (or reissue) | |
| 460 | 230 | Design issue fee | |
| 620 | 310 | Plant issue fee | |
| 130 | 130 | Petitions to the Commissioner | |
| 50 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 180 | 180 | Submission of Information Disclosure Stmt | |
| 40 | 40 | Recording each patent assignment per property (times number of properties) | 40 |
| 740 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 740 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 740 | 370 | Request for Continued Examination (RCE) | |
| 900 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 40

SUBMITTED BY

| | | | | | |
|-------------------|------------------------|-----------------------------------|----------------|-----------|----------------|
| Name (Print/Type) | Alicia A. Russo | Registration No. (Attorney/Agent) | 46,192 | Telephone | (212) 408-2500 |
| Signature | <i>Alicia A. Russo</i> | Date | April 11, 2002 | | |

Complete (if applicable)

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